

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 21-36, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Herron Jr. 4,970,753.**

3. In re claims 21-26, Herron discloses a vacuum cleaner comprising a housing and an exhaust opening (at 48) that is fluidically connected to an overpressure side of a motor/blower unit (26) which is surrounded by an insulating capsule (formed by the U-shaped portion (42) and which is placed inside a blower housing via duct that has a duct section (38,40) which is arranged while extending between the insulating capsule and the blower housing, wherein a first capsule part of the insulating capsule is joined to a portion of the blower housing while forming a single piece (2:61-3:20), wherein the housing part of the blower housing is a blower compartment cover on which a second capsule part of the insulating capsule is molded forming another single piece (2:36-59); a main flow channel for a main air flow is arranged so that it runs between the blower compartment cover and the second capsule part with an inflow opening formed in the blower compartment cover and discharging air flow from the blower compartment (2:53-60); the main flow channel is arranged so that it runs behind an end of the motor/blower unit opposite to a suction opening (Fig. 1); at least one auxiliary flow channel for an

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auxiliary air flow is arranged so that it runs between the blower compartment cover and the second capsule part (Fig. 2); respectively at least one auxiliary flow channel is arranged so that it runs at the side of the motor/blower unit (Figs. 1 and 2); the auxiliary flow channels have a rectangular cross-section and extend substantially vertically (Figs. 1-2; and 4:6-16).

4. Regarding the new limitation "forming another single piece," the top cover of the vacuum of Herron meets the limitation as follows. The outer ring of the top cover, which would cover the duct section (36, 38, 40), is part of the blower housing. The innermost section of the cover, which would cover the capsule area (18), is part of the insulating capsule. The outer ring and the innermost section of the cover are a single piece, thus meeting the claimed limitation.

5. In re claims 27-29, see Figs. 1 and 3; and 4:61-68.

6. In re claims 30-36, see Figs. 1-3; and 4:1-5.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herron Jr. in view of Moshenrose et al. US 2005/0210628.**

In re claims 37-39 Herron Jr. is described above. Herron Jr. does not specifically disclose the housing part of the blower comprising a holder for receiving a bearing

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element for the motor/blower unit. Moshenrose et al. discloses a vacuum cleaner fan unit in which the housing part of the blower comprises a holder for receiving a bearing element for the motor/blower unit so as to facilitate ease of periodic inspection and maintenance of the unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Herron Jr.'s apparatus to have the housing part of the blower to comprise a holder for receiving a bearing element for the motor/blower unit as taught by Moshenrose et al. so as to facilitate ease of periodic inspection and maintenance of the unit.

### ***Response to Arguments***

9. Applicant's arguments filed 8/17/2011 have been fully considered but they are not persuasive.

10. Applicant argues that Herron does not disclose a housing part of the blower housing being a blower compartment cover on which a second capsule part of the insulating capsule is molded forming another single piece. The Examiner disagrees. The instant application is directed toward a vacuum wherein the motor is surrounded by an insulating capsule. Said insulating capsule is surrounded by the vacuum housing. There is a duct between the insulating capsule and the vacuum housing. The assembly is made from a top portion comprising part of the vacuum housing and part of the insulating capsule housing, and a bottom portion also comprising part of the vacuum housing and part of the insulating capsule housing. The Herron reference discloses these limitations. Herron shows a motor in an insulating capsule, said insulating capsule being surrounded by the vacuum housing. There is a duct (best shown in

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figure 3) between the insulating capsule and the housing. The assembly is made from a bottom portion (figure 1) comprising part of the vacuum housing and part of the insulating capsule housing, and a top portion (not shown) also comprising part of the vacuum housing and part of the insulating capsule housing. The top portion must inherently contact the housing and the insulating capsule, forming a seal so suction cannot leak in from outside. Thus, the single piece top portion comprises a part that covers the vacuum housing and a part that covers the insulating capsule housing.

11. Applicant argues that Herron teaches away from using a bearing as taught in Moshenrose. The Examiner disagrees as explained in the Advisory Action filed 4/27/2011.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMAL DANIEL whose telephone number is (571)270-5706. The examiner can normally be reached on Monday - Friday 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571)272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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